

EXHIBIT

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1 the Sheriff or any law enforcement agencies to  
2 take him into custody and bring him before this  
3 Court.

4 MR. BERRONES: Thank you.

5 THE COURT: Bring in the jury.

6 (Whereupon the following proceedings were  
7 had in the presence and hearing of the  
8 jury.)

9 THE COURT: Swear the interpreter.

10 (Elizabeth Millan was sworn as interpreter  
11 to translate all questions and answers  
12 and statements by the witness, Court,  
13 and counsel from English to Spanish and  
14 from Spanish to English.)

15 THE COURT: Would you ask the witness to raise  
16 her right hand?

17 (Witness sworn.)

18 THE COURT: Ask the witness to have a seat in the  
19 chair there.

20 MARIA GONZALEZ

21 called as a witness on behalf of the People, having been  
22 first duly sworn, was examined and testified as follows:

23 DIRECT EXAMINATION

24 BY MR. BERRONES:

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1 Q Would you please tell us your name?

2 A Maria Gonzalez.

3 Q Where were you born?

4 A In Mexico City.

5 Q How long did you live in Mexico?

6 A A long time because I arrived here in '52.

7 MR. BOYD: Can we have the translator speak up?

8 THE COURT: You'll need to speak up just a little  
9 bit.

10 Tell the witness she's only to respond to  
11 questions and not to have any dialogue with you.

12 What did she say?

13 THE INTERPRETER: Should I answer the question  
14 in Spanish?

15 THE COURT: That's what we'll get to.

16 BY MR. BERRONES:

17 Q Since 1952 where did you live?

18 A In Racine and here in Waukegan and nowhere else.

19 Q Did you work at any place while you were living  
20 here?

21 A Yes.

22 Q Where did you work?

23 A First I worked in a factory where they made  
24 speedboats, very big boats..

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1 Q When you worked there, how did they speak  
2 to you?

3 A In Spanish.

4 Q Who spoke to you in Spanish?

5 A The Porto Ricans.

6 Q Did you work anyplace else?

7 A I worked in another place washing laundry  
8 three years.

9 Q How did they communicate to you there  
10 when you worked there?

11 A Same way, also spoke to me in Spanish.

12 Q When you lived in the United States --

13 THE COURT: Bring this chair around. I think  
14 that would work out better since it's the jury that  
15 has to hear you. We'll put that seat next to the black  
16 one, have the witness in that seat, and have you sit  
17 in the witness chair so you're looking at the witness  
18 and also at the jury and so that the mike is set up  
19 for you. We'll try it that way.

20 BY MR. BERRONES:

21 Q When you moved here, can you tell us what  
22 type of neighborhoods you were in?

23 A I was living in Racine and in Waukegan. That's  
24 all. No place else.

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1 Q What type of ethnic background were these  
2 types of neighborhoods?

3 A What do you mean?

4 Q What nationality of people lived there?

5 A Americans, Porto Ricans.

6 Q Most of her neighbors Spanish-speaking?

7 MR. BOYD: That is a leading question.

8 THE COURT: Overruled.

9 THE WITNESS: Yes, some were, some were not.

10 BY MR. BERRONES:

11 Q How is her understanding of English?

12 A Very little.

13 Q How is her speaking of the English?

14 A I don't speak very well.

15 Q Do you have trouble understanding people  
16 speaking to you in English?

17 A In English, yes. Yes, that's true.

18 Q Do you have trouble communicating in English?

19 A Yes. In communicating in English, yes.

20 Q Now, I would like to ask her a few other  
21 questions. Where do you currently live?

22 THE COURT: Is that the extent of your voir dire?

23 MR. BERRONES: Yes.

24 THE COURT: Do you have any questions you want to

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1 ask?

2 MR. BOYD: Yes, just a couple.

3 CROSS EXAMINATION

4 BY MR. BOYD:

5 Q Ms. Gonzalez, how long did you work in  
6 the factory which made the speedboats?

7 A Two years..

8 Q And when you worked there, were there other  
9 persons who spoke English there?

10 A Yes, the Porto Ricans.

11 Q Would they speak to you in English?

12 A They spoke to me in English and then they  
13 would translate.

14 Q You have been in this country 34 years?

15 A From '62 -- I mean '52.

16 Q And you're telling us that you are unable  
17 after 34 years to understand English?

18 A No, I cannot. I have always worked with  
19 people who didn't.

20 Q Did you receive your money in pesos or  
21 did you receive it in dollars?

22 MR. BERRONES: Objection.

23 THE COURT: I'll sustain that objection.

24 MR. BOYD: I have nothing further, Judge. I would

1 submit to this Court that after 34 years, I believe,  
2 Judge, that this witness is able to understand enough  
3 English for us to submit herself to direct examination  
4 for this jury.

5 THE COURT: I'm going to allow the use of the  
6 interpreter.

7 DIRECT EXAMINATION CONT.

8 BY MR. BERRONES:

9 Q Ms. Gonzalez, I would like you to tell us  
10 where you live right now.

11 A I live at, what's the name, Glen Flora..

12 Q How long have you lived there?

13 A A short time; three months.

14 Q Before you lived at Glen Flora, did you live  
15 at 200 South Utica?

16 A 200 Utica, yes.

17 Q That's in Waukegan?

18 A Yes, in Waukegan.

19 Q Now, on January 18, 1986, were you living  
20 at 200 South Utica?

21 A Yes.

22 Q And on that date, did you go out during  
23 the evening?

24 A Yes. I went outside in the evening for some

1 air because it was very hot in the house.

2 Q When you went out, was it dark already?

3 A It was about 8:30, nine o'clock. I don't  
4 remember very well.

5 Q When you went outside, did you see any  
6 people?

7 A No, only the people who were passing by  
8 on the street. There was no one.

9 Q Ms. Gonzalez, can you tell us how old you  
10 are?

11 A My age? I'm 69 years old.

12 Q Now, when you went outside, what did you do?

13 A I stood standing looking ahead to 300 Lake.

14 Q Where were you standing?

15 A In this corner here.

16 Q The corner of what?

17 A One of the sidewalks on Utica and Lake.

18 Q Was anybody out there with you at that time?

19 A No one. No one.

20 Q As you stood outside, can you tell us what  
21 happened?

22 A When I was standing looking over there, I  
23 saw a black man coming to attack me. He was sitting,  
24 he turned --

1 Q Ask her to slow down.

2 A I was standing when the black man attacked  
3 me, and he did this to me and he threw me down. (Indicating.)

4 MR. BERRONES: I ask the record reflect Ms.  
5 Gonzalez placed her arm around the back of the  
6 interpreter.

7 THE COURT: The hand of the back of the  
8 interpreter's neck as she described how he grabbed her.

9 THE INTERPRETER: I explained what he was telling  
10 you.

11 THE COURT: That's right.

12 MR. BOYD: I thought I heard her say something,  
13 the witness.

14 THE COURT: Did the witness say anything,  
15 interpreter?

16 THE INTERPRETER: She just mumbled when I was  
17 explaining how the defendant had grabbed.

18 THE COURT: If she says anything, you understand  
19 you have to speak it.

20 BY MR. BERRONES:

21 Q When you said you saw the black man over  
22 there, what do you mean by over there? What area?

23 A On the street sitting down inside.

24 Q When you said you heard a noise, what did you

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1 do when you heard that noise?

2 A. I turned around to see.

3 Q And what did you see when you turned  
4 around?

5 A. Him. He was getting up.

6 Q What did you do when you saw him getting  
7 up?

8 A. I walked.

9 Q Where did you try to walk to?

10 A. For my house, yes.

11 Q As you tried walking to your house, what  
12 happened?

13 A. I was walking but the black man ran.

14 Q What happened as the black man ran?

15 A. I ran. He put his arm around my neck like  
16 I said before, and then he picked me up by this arm  
17 and pushed me forward like that. (Indicating.)

18 Q Which arm did he grab you?

19 A. With this one. He did that to me. (Indicating.)

20 MR. BERRONES: For the record, Judge.

21 THE COURT: For the record, she raised her left  
22 arm parallel to her neck in a curved position curved  
23 to the right.  
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1 BY MR. BERRONES:

2 Q After he grabbed you and put his arm around  
3 you, what happened?

4 A He picked me up with this hand and he threw  
5 me like this. (Indicating.)

6 MR. BERRONES: For the record, indicating grabbing  
7 with the other hand, the right hand.

8 THE COURT: The record will show she made a sharp  
9 gesture with her right hand.

10 BY MR. BERRONES:

11 Q After he threw you, what happened?

12 A And I fell down after he threw me. I fell  
13 down.

14 Q Where did you fall?

15 A It wasn't on the sidewalk. It was on the  
16 grass.

17 Q Where was this grass located in relation  
18 to your building?

19 A He had taken me away from the building. I  
20 was away from the building.

21 Q When you landed on the grass, did the black  
22 man do anything else?

23 A He hit me and he punched me on my face here.  
24 He kept punching.

1 Q When you say he punched you in the face,  
2 can you tell us what part of your body he hit you?

3 A First he hit me in the face here, this way  
4 here and here and here. All over the face. (Indicating.)

5 MR. BERRONES: Ask the record reflect she's  
6 motioning all over her face.

7 THE COURT: She motioned on her right cheek,  
8 three points across her forehead, and her left cheek.

9 BY MR. BERRONES:

10 Q After he had hit you, what happened?

11 A After he hit me, he raped me.

12 Q You say he raped you, where did that  
13 occur?

14 A In the ravine because he grabbed me and  
15 pulled me down.

16 Q How far did he pull you down?

17 A Far because there at Utica it goes down  
18 far.

19 Q Can you describe to us how he pulled you  
20 into the ravine?

21 A Yes. He pulled my feet and legs, pulled,  
22 and he did this, and he pushed me up and down.  
23 (Indicating.)

24 MR. BERRONES: I also ask the record reflect when

1 she's testifying she was being pulled by her legs,  
2 she made an opening motion with her hand.

3 THE COURT: An opening and a closing motion  
4 lifting her arms and spreading them apart from her  
5 body and then back in front of her body.

6 BY MR. BERRONES:

7 Q While this person was pulling you down,  
8 what did you do?

9 A When he pushed me down, what do you mean?

10 Q When he was pulling you down, what were  
11 you doing?

12 A I was moving around and trying to get up.  
13 I was moving around like this. (Indicating.)

14 Q As you were moving, were you hit anymore?

15 A Yes.

16 Q Where were you being hit on your body?

17 A In the whole body. In the whole body where  
18 ever you want. I can show you. Here and here and here  
19 and everywhere. Here and here, everywhere. (Indicating.)

20 Q As he was pulling you down -- strike that.  
21 Can you tell us what happened when he got you into the

23 A When we were in the ravine, he let go. Can I  
24 say something you didn't ask me? But I can't say it

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1 it until you ask me.

2 Q Did anything happen before he got you into  
3 the ravine?

4 A That's when he raped me, yes.

5 Q Where were you when he raped you?

6 A In the bottom of the ravine. He drug me  
7 down.

8 Q Can you tell us how he raped you?

9 A Yes. He did this to me. He took off my  
10 pants and he raped me. (Indicating.)

11 Q When you make a motion saying that he did this  
12 to me, can you tell us what you mean? Was he holding  
13 you?

14 A Yes.

15 Q Where was he holding you?

16 A As he pushed down like this and he didn't  
17 let me --

18 Q What part of your body was he holding?

19 A All. My whole body.

20 Q When he raped you, do you remember what he  
21 did with his clothing?

22 A His clothing?

23 Q Yes.

24 A His clothing?

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1 Q Yes, his clothing.

2 A He had his pants unbuttoned here. (Indicating.)

3 Q Can you tell us where he had them unbuttoned?

4 A Right here. (Indicating.)

5 MR. BERRONES: Indicating, I don't know if the  
6 Court can see, indicating with her hands the front  
7 of her pants, motion down. I ask the record reflect  
8 that.

9 THE COURT: She's indicating a wide movement  
10 using both hands moving from the center point of  
11 the groin upward along the line at the top of the leg  
12 towards the up and towards the rear.

13 BY MR. BERRONES:

14 Q Before he raped you, did he take any of  
15 your clothing off?

16 A No. He was pulling me like this and pulling  
17 me. (Indicating.)

18 Q Did he do anything with your underwear?

19 A No. When he took them off he just threw  
20 them down.

21 Q Now, while this was going on, was he

22 trying anything to you?

23 A He didn't say anything to me. He was just  
24 doing this. (Indicating.)

1 MR. BERRONES: For the record, I ask the  
2 record reflect --

3 THE COURT: She made a number of striking  
4 motions with one hand upon the other.

5 BY MR. BERRONES:

6 Q Did he say anything to you at all after he  
7 grabbed you?

8 A No. Just this. He was hitting me, and  
9 he was kicking me like this. (Indicating.)

10 Q You said he raped you. Can you describe  
11 to us what you felt as he was doing this?

12 A I felt something was touching me there,  
13 and I moved back and forth.

14 Q Where was he touching you and with what  
15 part of his body?

16 A He touched me all over. He didn't leave me  
17 alone for a minute. He kept touching me.

18 Q Did you ever feel his penis in your vagina?

19 MR. BOYD: Objection. Leading and suggestive.

20 THE COURT: Overruled.

21 THE WITNESS: Yes.

22 BY MR. BERRONES:

23 Q Tell us how many times.

24 A I felt three or four times because I kept

1 moving around like this and like that. I felt it. C

2 (Indicating.)

3 Q After you had felt his penis in your vagina,  
4 what happened?

5 MR. BOYD: I object to that. That's not the  
6 testimony as I recall.

7 THE COURT: I'll sustain it as to the form.

8 BY MR. BERRONES:

9 Q Did anything else happen when you were in  
10 the ravine?

11 A Just hitting and hitting and hitting and he  
12 didn't leave me alone. C

13 Q Did he do anything else?

14 A With his closed fist here and here and here.  
15 My eyes were closed from the punches. Here and here  
16 and here and all over. (Indicating.)

17 Q After he raped you, did he try to put his  
18 penis anyplace else?

19 A Yes. He did it three times.

20 Q What did he do three times?

21 A Told me to give him pussy three times, put  
22 his penis here, and he told me to do that. (Indicating.)

23 MR. BERRONES: I ask the record reflect that she  
24 touched her left cheek indicating that while she was

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1 saying, "He placed his penis here."

2 THE COURT: The record will so show, and that she  
3 made three kissing movements with her mouth.

4 BY MR. BERRONES:

5 Q When the defendant placed his penis by  
6 the left cheek, what did you do?

7 A I held him like this and I did it like this,  
8 you can see. I held him like this and then I pulled.

9 (Indicating.)

10 Q How many times did you pull?

11 A Is when I pulled him.

12 Q How many times did you pull him?

13 A Two times.

14 Q When you pulled his penis, what happened?

15 A He said, "Oh." I pulled and he went "Oh"  
16 like that. It's finished is when he left me. He left  
17 me but I was like this. My eyes were completely  
18 closed. (Indicating.)

19 Q When he left you, what did you do then?

20 A I got up. I crawled up.

21 Q Where did you crawl to?

22 A To the sidewalk on Utica.

23 Q Did you see the person come out of the ravine?

24 A Yes. I saw him leave.

1 Q When you saw this person come out of the  
2 ravine, did he have anything in his hands?

3 A A red bag. He was carrying it like  
4 this, like I would be carrying this bag like this.  
5 He left and he went that way and then he went into  
6 the apartment. (Indicating.)

7 Q Had you seen that red bag before?

8 A No. Only when he got up and I saw it.

9 Q When you first saw him, you saw the red bag?

10 A Yes.

11 MR. BOYD: I object to that.

12 THE COURT: I'll sustain it. It's getting leading.  
13 She testified to a number of times he got up or two  
14 times at least, I think.

15 BY MR. BERRONES:

16 Q When you first saw the person come at you,  
17 was this person wearing a coat?

18 A Yes. He had it with the red bag.

19 Q I'm showing you what's been marked as  
20 People's Exhibit No. 17 and I'll ask you to take a  
21 look at that coat.

22 Yes, this is it.

23 Q You recognize that as the coat?

24 A Yes. That's the one he was wearing. He had

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1 it like this, along about his red bag.

2 Q Now, when this person left the ravine,  
3 did he take this coat with him?

4 A No, he didn't have it. When he was hitting  
5 me, he didn't have it. He didn't have it.

6 Q Is that coat in substantially the same  
7 condition as when you saw it?

8 A I don't know how to answer that.

9 Q Does that look like the coat?

10 A The color is, yes, the same color, but he  
11 had it folded like this. (Indicating.)

12 THE COURT: Show a number of times the witness  
13 has testified as he had it like this she made a gesture  
14 over her left arm.

15 THE WITNESS: Yes, he had it in this arm.

16 BY MR. BERRONES:

17 Q When you saw the defendant come out of  
18 the ravine, did you see where that person went?

19 A Yes.

20 Q Where did that person go?

21 A To 300 Lake.

22 Q Would you please look around the courtroom  
23 and see if you see that person who raped you on  
24 January 18, 1986, present in court today.

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1 A. It's the one sitting over there.

2 Q. Please tell us something he's wearing.

3 A. The one who's sitting. That's the one.

4 Q. Could you tell me what kind of clothing he's  
5 wearing? What color clothing he's wearing.

6 A. The pants with white pants.

7 Q. The clothes he's wearing now.

8 A. The clothes he was wearing?

9 Q. Not the clothing he was wearing in January.  
10 What is he wearing right now?

11 A. No. It's not the same clothes he was wearing.

12 Q. Could you step down and touch the person?  
13 Please put your hand on the shoulder of the person who  
14 raped you?

15 A. This one. (Indicating.)

16 MR. BERRONES: I ask the record reflect the witness  
17 touched the defendant.

18 THE COURT: The record will so show.

19 BY MR. BERRONES:

20 Q. What kind of clothes were you wearing on  
21 January 18 when you went out?

22 A. I was wearing a pink shirt, white pants, a grey  
23 and another little flowers, grey.

24 Q. Did you have any underwear on?

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1 A. Just the house dresses and my slippers.

2 Q. Anything underneath the house dresses?

3 A. Some underpants that he took off.

4 Q. I'm showing you what's been marked as  
5 People's Exhibit No. 22 for identification. Do you  
6 recognize those?

7 A. Yes. These are mine. Those are mine.

8 Q. Are these in the same condition as you were  
9 wearing them?

10 A. Yes, they are. And these too.

11 Q. I'm showing you what's marked as People's  
12 Exhibit No. 23 for identification. Do you recognize  
13 this?

14 A. Yes. These are the ones I was wearing. Those  
15 are the ones I wore.

16 Q. Basically the same condition as you had  
17 them --

18 A. Well, they're dirty, but --

19 Q. They weren't dirty when you first put them on.

20 A. No. But since there was a lot of mud.

21 Q. Showing you what's been marked as People's  
22 Exhibit No. 28 and ask you if you recognize that.

23 A. Yes, I do. This is what I wore. I wore it  
24 buttoned, and he pulled me like this. I had it closed

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1 like this, and he pulled me like this, and I was  
2 afraid that he would touch me over here. I was very  
3 afraid. (Indicating.)

4 Q Is this robe in substantially the same  
5 condition as when you wore it?

6 A Well, the color, but it's very dirty, but  
7 this is.

8 Q Is this your robe?

9 A Yes, It is.

10 Q Showing you what's been marked as People's  
11 Exhibit No. 29 for identification and ask you if you  
12 recognize it.

13 A Yes.

14 Q What do you recognize that to be?

15 A It's a robe I had underneath.

16 Q The same robe you had on on January 18?

17 A Yes.

18 Q Was it this dirty when you first put it on?

19 A No. I put it on clean.

20 Q Showing you what's been marked as People's  
21 Exhibit No. 24 for identification. I ask you if you  
22 recognize it.

23 A Yes.

24 Q What do you recognize that to be?

1 A. They're my underpants.

2 Q. Were these the ones you were wearing on  
3 January 18, 1986?

4 A. Yes.

5 Q. Are these the same underwear that he took off  
6 of you that day?

7 A. Yes. He took them off like this. (Indicating.)

8 Q. Now, when you were in the ravine, did the  
9 defendant ever bite you?

10 A. Yes.

11 Q. Where did he bite you?

12 A. Here, here, here. He pulled my hair up  
13 like that and he took out some hair, and he bit me here.  
14 (Indicating.)

15 MR. BERRONES: I ask the record reflect the last one  
16 indicating he bit her on the left shoulder.

17 THE COURT: The record will so show.

18 BY MR. BERRONES:

19 Q. While the defendant was hitting you, did you  
20 ever rip anything off his hand or off his wrist?

21 MR. BOYD: I'm objecting to the leading nature of  
22 these last questions.

23 THE COURT: Sustained.  
24

1 BY MR. BERRONES:

2 Q Do you remember -- strike that. What, if  
3 anything, did you grab of the defendant's?

4 A His watch because he was going to hit me  
5 with a knife. He went into his pants like this and  
6 he was going to hit me with a knife. (Indicating.)

7 MR. BOYD: I could not hear. May I have that last  
8 question and answer read to us?

9 THE COURT: Give the last portion.

10 (Whereupon the reporter read back the  
11 requested testimony.)

12 BY MR. BERRONES:

13 Q What did you do with the watch?

14 A The watch, I had it in this hand. He was  
15 going to do this to me, but I couldn't see very well  
16 so he went like this, and I pulled his watch and I  
17 ripped it off.

18 Q Do you recall what the watch looked like?

19 A No, I don't. I can't remember. I couldn't  
20 see anything. I had my eyes like this. They were  
21 closed. (Indicating.)

22 Q The you grabbed the watch off, what did you do  
23 with it?

24 A I don't know.

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1 Q Did you hold on to it?

2 A I had it in my hand, but since he didn't let  
3 go, I don't know what happened?

4 Q Did you take that watch out of the ravine  
5 with you?

6 A No. No. I just pulled it.

7 THE COURT: Your voice is trailing off. If you  
8 will speak up.

9 THE WITNESS: I don't know what happened. I pulled  
10 the watch. I don't know what happened to it.

11 MR. BERRONES: I have no other questions. At this  
12 time I ask that People's Exhibit No. 17, 20, 21, 22,  
13 23, 24 be admitted into evidence. Excuse me. Not  
14 24. The identifying marks be stricken. And 28 and 29.

15 THE COURT: Did you offer 24?

16 MR. BERRONES: Not right now.

17 THE COURT: Okay.

18 MR. BOYD: No objection.

19 THE COURT: We'll admit them into evidence,  
20 identification marks are stricken. 17, 20, 21, 22,  
21 23, 28, and 29.

22 MR. BERRONES: That's correct. No other  
23 questions.  
24

1 (Whereupon People's Exhibits Nos. 17,  
2 20, 21, 22, 23, 28, and 29 were admitted  
3 into evidence.)

4 THE COURT: Mr. Boyd?

5 CROSS EXAMINATION CONT.

6 BY MR. BOYD:~

7 Q Ms. Gonzalez, I believe you indicated you  
8 went out about 8:30 or nine o'clock.

9 A I'm not sure if I left at 8:30 or nine.  
10 I really don't know.

11 Q But it was in that general area?

12 A More or less, yes.

13 Q How long had you been out there before the  
14 man attacked you?

15 A I wasn't even there five minutes.

16 Q Now, can you estimate for us as best you can  
17 how long this attack took from the time from which  
18 the man grabbed you until you made it back to your  
19 building?

20 A I didn't get back to my building. I ran  
21 back and he grabbed me and he kept punching me.

22 Q How long did this attack last from the time  
23 is, from the time he grabbed you until the time the  
24 man left?

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1 A. Until I pulled him. That's when he let go,  
2 but he didn't stop hitting me.

3 Q I'm asking her how much time elapsed.

4 A I don't know.

5 Q Did you call the paramedics?

6 A No. There was an ambulance from Victory  
7 Hospital.

8 Q Were they already there?

9 A They were at 300 Lake.

10 Q And you went over to them?

11 A I'm going to show you. I went like this  
12 crawling because I had to go like this because the --  
13 I was bleeding. (Indicating.)

14 MR. BOYD: May I make a motion to strike that  
15 as being non-responsive?

16 THE COURT: I'll allow the motion. That will be  
17 stricken. The jury will disregard it.

18 BY MR. BOYD:

19 Q Did the police arrive sometime later?

20 A They were up there when he escaped, and I  
21 talked to one of the black men at the door to see if I  
22 could go up and he said no.

23 Q Did any Waukegan Police Officers come and talk  
24 to you?

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1 A. I don't know.

2 Q. Did you talk to any white persons that  
3 evening with the paramedics there?

4 A. My head was hit all over. I couldn't see.

5 MR. BOYD: Motion to strike that as not being  
6 responsive.

7 THE COURT: Overruled.

8 MR. BOYD: I am asking her --

9 THE COURT: I heard the question. I heard the  
10 answer.. I overrule it.

11 BY MR. BOYD:

12 Q. I am not asking you about your head. I  
13 am not asking you whether or not you were beat. I'm  
14 asking you whether or not you described to any Waukegan  
15 Police Officer that evening on the scene what had  
16 happened.

17 A. What?

18 Q. I am asking you did you talk to any Waukegan  
19 Police Officer, a white, Waukegan Police Officer and  
20 tell him what had happened that evening?

21 A. No.

22 Q. Did you talk to a Waukegan Police  
23 Officer and tell him what had happened?

24 A. Yes, Patrolman Juarez..

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1 Q Did you talk to Patrolman Juarez at the  
2 scene?

3 A No.

4 Q Did you talk to an officer by the name of  
5 Martinez at the scene?

6 A I don't know.

7 Q Did you talk to a Hispanic officer at the  
8 scene?

9 A I don't know.

10 Q Did you tell any Waukegan Officer at that  
11 scene that you had not been raped?

12 A No. My head wasn't right. I was hit.

13 MR. BOYD: Motion to strike the rest of it.

14 THE COURT: Overruled.

15 BY MR. BOYD:

16 Q My question to you is this --

17 MR. BERRONES: I ask that he let her finish  
18 responding.

19 THE COURT: I think it's sufficient.

20 BY MR. BOYD:

21 Q My question to you is --

22 THE COURT: She said, "I don't know. My head  
23 was hit."  
24

1 BY MR. BOYD:

2 Q My question to you is did you tell any  
3 Waukegan Police Officer that you had not been raped?

4 MR. BERRONES: Objection. Asked and answered.

5 THE COURT: It's cross examination. Overruled.

6 BY MR. BOYD:

7 Q At the scene.

8 A I don't know. I don't know what happened.  
9 I wasn't well.

10 MR. BOYD: Motion to strike that last part.

11 THE COURT: Overruled.

12 BY MR. BOYD:

13 Q During the course of this incident, when  
14 you were being struck, were you being struck with any  
15 weapon?

16 A He had taken out his knife to hit me, but  
17 I had already been hit and he kept punching me, and  
18 he took me by the neck and he did that to me. (Indicating.)

19 Q Did this person ever strike you with a metal  
20 pipe?

21 A I don't know.

22 Q Did you tell any Waukegan Police Officer at  
23 the scene that the man had struck you with a metal  
24 pipe?

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1 A. I don't know. My head wasn't right.

2 MR. BOYD: Motion to strike that part of it.

3 THE COURT: Overruled.

4 BY MR. BOYD:

5 Q How tall was the person who you say attacked  
6 you?

7 A. I don't know.

8 Q About how much did he weigh?

9 A. He was thin.

10 Q Can you give us the age of the person who  
11 attacked you?

12 A. No. I don't know.

13 Q Did you tell any Waukegan Police Officer  
14 at the scene that this person, this male black, was  
15 approximately 18 years of age?

16 A. I don't know. I don't know anything about  
17 that. I don't know anything about that.

18 Q Did the man have any facial hair?

19 A. No, he didn't have any. He had it pulled  
20 back like this. He was -- it was like that. (Indicating.)

21 Q Indicating the hair on the top of the head?

22 A. No. No. No. He didn't have it Chinese-  
23 style like now. He had it out like this. (Indicating.)

24 Q Did the person that you say raped you, did

1 that person have a mustache?

2 A. No. No.

3 Q. Do you know a person by the name of Blanca  
4 Gonzalez?

5 A. Yes, I know her, but I haven't talked to  
6 her, no.

7 Q. How do you know Blanca Gonzalez?

8 A. She's a social worker in Public Aid.

9 Q. Is she your social worker?

10 MR. BERRONES: I object to this line of  
11 questioning as to the relevance.

12 THE COURT: You laying a foundation for something?

13 MR. BOYD: Yes.

14 MR. BERRONES: May I approach the bench?

15 (Whereupon the following proceedings  
16 were had in chambers outside the  
17 presence and hearing of the jury.)

18 THE COURT: I don't know where you're headed and  
19 his objection is relevancy. I don't know where the  
20 relevancy is.

21 MR. BOYD: We're getting into a conversation she  
22 had with Bianca Gonzalez and Blanca Gonzalez has stated  
23 to a police officer which is a report given to me by  
24 Mr. Berrones that during the course of this conversation

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1 which was had in the earlier part of this year and  
2 subsequent to when Ms. Gonzalez got out of the --  
3 Maria Gonzalez got out of the hospital where she  
4 indicated in that conversation about this incident  
5 and indicated that the man had not raped her and had  
6 not had any sexual intercourse with her.

7 MR. BERRONES: First of all, Judge, I think that  
8 before Mr. Boyd should be allowed to proceed with this  
9 line of questioning, I don't know if he's going to be  
10 able to tie this up. This Blanca Gonzalez has not  
11 been very cooperative. I don't know if there's a  
12 denial or of what he intends to do if, in fact, it  
13 can be tied up, and it's going to prejudice the jury.  
14 It will already be said. A motion to strike isn't  
15 going to cure that.

16 Secondly, I don't think there's been a  
17 proper foundation laid for this conversation he wants  
18 to get into now. It's just a conversation he had with  
19 her. We don't know when.

20 THE COURT: He never asked about a conversation.  
21 He asked is that your social worker and you objected.

22 MR. BERRONES: I'm anticipating what may happen.  
23 I don't want the jury to be exposed to something that  
24 may be stricken.

1 MR. BOYD: This is a report that he gave me. I  
2 presume it's the Waukegan Police Department interviewed  
3 Blanca Gonzalez and Blanca Gonzalez told an agent from  
4 the Waukegan Police Department what it is I just relayed.

5 THE COURT: Number one, I don't know what the  
6 relevancy is of the nature of the relationship.  
7 If you're intending to show a prior inconsistent  
8 statement to her testimony, I take it any attorney  
9 that asked the witness about a prior inconsistent  
10 statement is simply to lay a foundation as to where  
11 and when and did you say this.

12 MR. BOYD: I'm just trying to lay a foundation  
13 as to if she knows the woman.

14 THE COURT: And secondly, if they're asking  
15 such a question are representing to the Court that  
16 they're prepared to put on the stand testimony, the  
17 second stage of what is necessary for prior inconsistency,  
18 that is competent evidence that, in fact, the  
19 statement was made, if, in fact, the person denies  
20 having made that statement.

21 MR. BOYD: Which person are we talking about?

22 THE COURT: The witness. And I have nothing here  
23 to indicate in any way the counsel is not prepared  
24 to do -- it's apparently something that you provided

1 insofar as she did say it to a police officer.

2           You said uncooperative. You never said  
3 that she has denied that or is not going to say that,  
4 so he has a right to do it. I take it if the witness  
5 says she did say it, that's where it rests. If the  
6 witness says she did not say it or does not recall  
7 saying that, the burden is on the defense to produce  
8 that witness or to produce competent evidence that  
9 that was, in fact, said or if the question gets  
10 stricken, so the objection is denied.

11           (Whereupon the following proceedings  
12           were had in the presence and hearing  
13           of the jury.)

14       THE COURT: Go ahead.

15       BY MR. BOYD:

16       Q     Now, Maria Gonzalez -- strike that. Blanca  
17 Gonzalez had been your case worker, had she not?

18       A.    Yes.

19       Q     Now, do you recall earlier this year, 1986,  
20 and after you had gotten out of the hospital having  
21 spoken to Blanca Gonzalez over the telephone?

22       A.    No.

23       MR. BERRONES: Objection as to foundation. More  
24 specific date.

1 THE COURT: Are you able to establish a more  
2 specific date?

3 MR. BOYD: No. I'm able to establish that.  
4 the phone conversation occurred in the earlier part  
5 of this year. It occurred subsequent to the complainant  
6 getting out of the hospital as a result of this attack.

7 THE COURT: Overruled.

8 BY MR. BOYD:

9 Q Did you tell Blanca Gonzalez that the man  
10 in sum or substance; that is, the man that attacked  
11 you, that this man did not have sex with you?

12 A I didn't talk to anyone, no.

13 Q My question is -- your answer is no?

14 A It's no because I didn't.

15 Q Did you tell Blanca Gonzalez that because  
16 the man beat you up so bad that he was going to pay for  
17 it?

18 A No.

19 Q Did you tell Blanca Gonzalez that you had  
20 seen this male black in the area before?

21 A No. I had never seen him before.

22 Q When you talked to any witnesses at the scene  
23 on the night this occurred, did you give those persons  
24 a clothing description of the man you say attacked you?

1 A. I don't remember. I was hit very badly.

2 MR. BOYD: Motion to strike.

3 THE COURT: If you ask me to instruct the witness  
4 or if you define the question to the witness insofar  
5 as the nature of the response, it will be easier.

6 MR. BOYD: I believe that is precisely. If I  
7 ask somebody what a clothing description is --

8 THE COURT: I'm not asking for an argument with  
9 you.

10 MR. BOYD: Your Honor has made a statement to me  
11 and I am responding to the statement. I think I have  
12 an opportunity to do that.

13 THE COURT: Would you advise the witness that when  
14 she is asked a question to answer the question and  
15 not give an explanation as to why unless she is asked  
16 to give an explanation as to why.

17 I'll sustain your objection and strike the  
18 portion after "I don't remember."

19 Go ahead.

20 BY MR. BOYD:

21 Q Did you have an occasion to talk to a  
22 sergeant by the name of Juarez on the 19th day of  
23 January of this year?

24 A. I don't remember.

1 Q Did you ever tell Sergeant Juarez at  
2 Victory Hospital on January 19, 1986, that the man  
3 who attacked you was approximately 18 to 19 years of  
4 age?

5 A No..

6 Q During your direct examination you indicated  
7 that the man pulled out a knife.

8 A Yes.

9 Q Did you ever tell the officers at the scene  
10 or Sergeant Juarez at the hospital that the man had  
11 a knife and pulled out a knife on you?

12 A He did it, yes.

13 Q My question is did you tell those officers  
14 at the scene or Sergeant Juarez that the man had a  
15 knife and pulled out a knife?

16 A It wasn't at that time because I was a long  
17 time without feeling well and I couldn't give  
18 testimony.

19 Q Is your answer no?

20 THE COURT: Would you tell the witness that when  
21 she is asked whether or not she said something to some-  
22 one at some specific date in the past she is not to give  
23 reasons why. She is to answer either yes, she did  
24 or no, she didn't or no, she doesn't remember whether

1 she did.

2 THE WITNESS: I'm just trying to tell the truth.

3 MR. BOYD: Motion to strike that response.

4 THE COURT: That response is stricken. The jury  
5 will disregard it.

6 BY MR. BOYD:

7 Q. This is a yes or no question. Did you tell  
8 any officers at the scene or Sergeant Juarez that the  
9 man pulled out a knife?

10 MR. BERRONES: I object to the form of the question.

11 THE COURT: Sustained. Take it as a yes or  
12 no or I don't remember.

13 MR. BOYD: I don't understand. You sustained  
14 the objection.

15 THE COURT: I sustained the objection.

16 MR. BOYD: May I have a basis?

17 THE COURT: Improper question. I take it a  
18 prior statement for purposes of possible impeachment  
19 is -- cannot be limited to a yes, I did or no, I  
20 didn't. It's yes, I did, no, I didn't or I don't  
21 remember.

22 BY MR. BOYD:

23 Q. Yes, you did, no, you didn't or maybe you  
24 can't remember, did you tell Sergeant Juarez or any

1 police officer who was at the scene on the night this  
2 occurred that the man pulled out a knife? Yes, no,  
3 or maybe, or you don't remember.

4 MR. BERRONES: Objection as to the form of the  
5 question. He's asked two separate times.

6 THE COURT: Overruled.

7 MR. BOYD: I'll withdraw the question.

8 BY MR. BOYD:

9 Q On the night this incident occurred, did  
10 you tell the police that the man pulled out a knife  
11 on you?

12 A This night I didn't say anything. I wasn't  
13 feeling well.

14 MR. BOYD: Motion to strike.

15 THE COURT: It will be stricken.

16 Ma'am, please answer without giving the  
17 reasons... On the night that this happened, did you  
18 tell the police or anyone else that the man had a  
19 knife?

20 THE WITNESS: I told them later, not that night  
21 after.

22 THE COURT: I asked you, then, what you did  
23 not tell anyone that night?

24 THE WITNESS: No, that night I didn't say anything.



1 THE COURT: All right.

2 BY MR. BOYD:

3 Q On the 19th of January, 1986, when  
4 you spoke to Sergeant Juarez, did you tell Sergeant  
5 Juarez that this man had a knife?

6 A Yes. When they took him away is when they  
7 asked me if I could get out to recognize him.

8 MR. BOYD: Motion to strike the remainder.

9 THE COURT: Be stricken as being non-responsive.

10 MR. BOYD: No more questions.

11 REDIRECT EXAMINATION

12 BY MR. BERRONES:

13 Q Mrs. Gonzalez, after you crawled over to  
14 300 Lake Street, do you remember talking to anybody?

15 THE INTERPRETER: I was just telling her a term  
16 for crawling. We have a different term for crawling  
17 but that's what it is.

18 THE COURT: Rephrase your question.

19 BY MR. BERRONES:

20 Q Do you remember talking to anybody whether  
21 it's a police officer or whether it was a paramedic  
22 when you were at 300 Lake Street?

23 A No.

24 Q Do you know why you can't recall talking to

1 anybody?

2 A. No, I don't remember why. My head was --

3 Q. What was wrong with your head at that time?

4 A. I was in the dark. I couldn't see. I don't  
5 know.

6 Q. Were you in pain?

7 A. I didn't feel my body. I couldn't feel  
8 anything.

9 Q. Now, on the night that you were raped, did  
10 you get a good look at the person's face?

11 A. Before he hit me --

12 MR. BOYD: Objection as to leading and suggesting.  
13 Motion to strike.

14 THE COURT: Sustained.

15 BY MR. BERRONES:

16 Q. Mrs. Gonzalez, is that the person who raped  
17 you?

18 A. Yes.

19 MR. BERRONES: I have no other questions.

20 MR. BOYD: Ask that answer be stricken. That is  
21 also leading and suggesting. Motion to strike.

22 THE COURT: Overruled.

23 MR. BOYD: I have no questions.

24 THE COURT: You may step down.

1 (Witness excused.)

2 THE COURT: We'll let the jury have a few minutes.

3 (Whereupon a brief recess was taken.)

4 (Whereupon the following proceedings  
5 were had in the presence and hearing of  
6 the jury.)

7 THE COURT: Call your next witness.

8 MR. BERRONES: The State would call Mr. Benjamin  
9 Bones to the stand.

10 (Witness sworn.)

11 BENJAMIN BONES

12 called as a witness on behalf of the People, having been  
13 first duly sworn, was examined and testified as  
14 follows:

15 DIRECT EXAMINATION

16 BY MR. HERRERO:

17 Q Mr. Bones, would you state your full name  
18 and spell it for the court reporter.

19 A Benjamin Bones, B-o-n-e-s.

20 Q Mr. Bones, during January of this year, 1986,  
21 where were you employed?

22 A Regent Clothiers and Jewelers.

23 Q Where is that located?

24 A South Genesee, 21 South Genesee.

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